

1631



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Dinman, et al.

Examiner: John S. Brusca

Application No.: 09/787,072

Group Art Unit: 1631

Filed: October 2, 2001

Docket: 1368-11 PCT/US

Confirmation No: 1517

Dated: July 25, 2005

For: RIBOSOMAL FRAMESHIFT TARGETS

I hereby certify this correspondence is being deposited with United States Postal Service as first class mail, postpaid in an envelope, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: July 25, 2005

Signature Barbara Thomas/

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This is in response to the Office Action, mailed June 29, 2005, issued by the Examiner in the above-referenced matter. In the Office Action, the Examiner has required restriction under 35 U.S.C. §121 between one of the following groups, which the Examiner has alleged as being distinct inventions:

- |         |  |
|---------|--|
| Group 1 | Claims 1-6, drawn to method of finding a ribosomal frameshift sequence and apparatus therefor.                   |
| Group 2 | Claims 7-16, drawn to methods of modulation of gene expression comprising modulation of ribosomal frameshifting. |

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Group 3        Claims 17 and 18, drawn to therapeutic methods comprising modulation of ribosomal frameshifting.

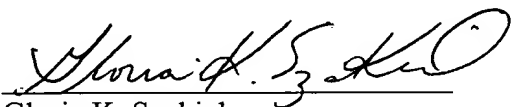
Additionally, the Examiner indicates that Group 2 includes more than one species of the generic invention, and requires Applicants to elect a single disclosed species in Group 2 for examination.

Furthermore, the Examiner indicates that Group 1 reads on patentably distinct sequences, and requires Applicants to elect a single amino acid sequence in Group 1 for examination.

Applicants elect to prosecute Group 3, claims 17 and 18.

In view of the present response, we respectfully request that consideration of the Group 3 claims on the merits be commenced. Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned agent at the telephone number listed below.

Respectfully submitted,



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